

## FINAL EXAM

Ronak Roy  
17.20: Introduction to the American Political Process

## **Question 1: Biden's Climate Change Policy**

Throughout the Democratic Party's Presidential primaries, one policy issue that took center stage was climate change. Since winning the nomination and the general election, President-elect Biden has publicly emphasized his focus on climate, announcing the nomination of the United States' first ever climate envoy to the United Nations, former Secretary of State John Kerry. However, campaign issues like healthcare in 2008 and 2016 that seemingly galvanize the winning party are very difficult to take action on. As such, I will consider obstacles that the Biden Administration will face from Congress, the public, the Federal Bureaucracy, and the Judiciary in pursuing its climate change policy goals and propose ways to overcome them.

As per his transition website<sup>1</sup>, President-elect Biden proposes a number of policies, including stricter regulations on the fossil fuel industry, ending oil and coal subsidies and increasing renewable energy subsidies, pursuing infrastructure projects including building energy-efficient housing and a network of EV stations, and investing in green technology companies. A plan of this scope would obviously face a steep challenge in Congress. If Democrats win both Georgia runoffs, their majority in Congress will be razor-thin—less than four seats in the House and a tie-breaking vote in the Senate. The first trial would be getting the Democratic leadership in Congress to introduce a bill (presumably crafted in cooperation with the White House). By positive agenda control, majority party leadership seeks only to introduce bills that unify the caucus, and by negative agenda control, keep divisive bills off the floor (Cox and McCubbins 2005). With margins that thin, Leaders Pelosi and Schumer may be hesitant to introduce legislation as controversial as a climate change bill would be. However, traditional and contemporary views on the power of the Presidency alike attest to the power of the President to influence actors with power, i.e. Congressional leadership (Neustadt 1990); essentially, Biden must convince and/or coerce a cautious leadership to follow his lead and bring his legislation

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<sup>1</sup> <https://buildbackbetter.gov/priorities/climate-change/>

forward, perhaps reminding them that he was the candidate to unseat an incumbent President with cult-like following, a historically near-impossible task. Once he gets the legislation on the floor, unifying the Democratic caucus is a task where Biden is helped by the motivations of elected officials. Congresspeople are strongly driven by the desire to win re-election and stay in power (Mayhew 1974), and the public is polarized largely due to strong partisan sorting (McCarty 2019). As such, we expect that an overwhelming majority of Democrats believe climate change is very important—polling confirms this.<sup>2</sup> This will ensure that Democrats vote in line with Biden, since they run the risk of losing their primary to a challenger who embodies the electorate’s belief. Even for moderate Democrats whose voting base includes conservative Democrats, party identity is theorized to be like a loyal sense of belonging to your “team” (Mason 2018) and practically unchanging after its development in early adulthood (Campbell et al. 1964); thus, Biden should remind moderates like Joe Manchin of W.V. and Kyrsten Sinema of Arizona that this legislation, which is well within the mainstream of the Democratic party, will not turn away their voters from re-electing them. Finally, majority party leadership can provide incentives (committee membership, key re-election endorsements) for voting in-line (Cox and McCubbins 2005), so Biden’s should take advantage of that to unify his caucus.

However, maintaining a simple majority in both houses is not enough. He must also overcome the senate filibuster, which requires 60 senators to vote to end debate on a bill and take a vote. The usual dynamics of Congress make it quite challenging to overcome a filibuster—essentially, bills usually require the status quo to be far away from the median legislators belief and large majorities to pass (Kreihel 1998). Unfortunately, the political elites have become incredibly polarized; Republicans particularly in the US house have steadily moved away from the Democrats and further to the right than any time since the late 1800’s (McCarty 2019). In the era of extreme partisanship, getting at least 10 Republican senators to agree to not stonewall the

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<sup>2</sup> <https://www.pewresearch.org/politics/2020/08/13/important-issues-in-the-2020-election/>

policy will be incredibly challenging. What's more is that important regulations, such as on greenhouse gas emissions, would not be able to be squeezed through a filibuster-proof government funding bill.

Biden has two means of moving enough Republican Senators to at least vote to invoke cloture. The first is through Executive Orders, by which Biden can move the status quo as to force Congress to act (Howell 2003). As per Kreibhel's (1998) pivotal politics model, if the new unilaterally-imposed status quo is very far to the left of the median Senator, Republican Senators would face ideological (and electoral) pressure to pass legislation that rolls back Biden's "extreme" policy. As long as Biden and Democratic party leadership keep their members in line, Congress can negotiate a bipartisan policy that is less extreme than Biden's Executive Orders. However, in moving policy to the right, the Democrats now have the filibuster and veto threats, meaning the resultant policy will still be closer to Biden's goal compared to the old status quo. Additionally, Biden should turn to the tried-and-true method of utilizing the bully pulpit that the President holds. As prescribed by Canes-Wrone (2005), Biden can take advantage of his start-of-term popularity and lack of electoral motivation (if he indeed does not seek re-election) to pander to the public to shift public opinion. Throughout the campaign, Biden attempted to reframe the policies that combat climate change as opportunities for economic growth, with job and GDP growth coming from emerging industries in the clean energy sector. If he amplifies this message as President, and appeals to voter self-interest by promising government programs to train and place to-be-former coal/oil workers and subsidies for buying solar panels/electric vehicles, Biden will be able to move public opinion in his favor. This would in turn provide additional pressure on moderate Republican legislators or those from purple/blue states like Thom Tillis of North Carolina, Lisa Murkowski of Alaska, Susan Collins of Maine, and Pat Toomey of Pennsylvania.

Furthermore, these appeals to the public are even more important because it provides some defense against a reactionary court. President Trump and Leader McConnell's aggressive push to

pack the federal judiciary with conservative appointees was largely successful, headed by a 6-3 Republican majority Supreme Court. The Supreme Court essentially does make policy (Segal and Spaeth 2008), and the conservative majority is certainly predisposed to striking down any liberal climate change policy. However, since the judiciary does not have the power of the sword or the purse, they rely on the elite and public acceptance of their authority, and therefore yield to public opinion if it is strongly in opposition with their policy belief (Rosenberg 1991).

Assuming Biden gets his policy passed and upheld when inevitably challenged, he will then be able to assume the role as the principal agent who is in charge of the vast federal bureaucracy. The key factor to take advantage of is that the federal bureaucracy is able to attract and retain employees for relatively low salaries by giving bureaucrats discretion (Gailmard and Patty 2013). As such, Biden should utilize the EPA, whose employees likely work there out of strong desire to shield the environment from damage, to enforce the restrictions levied by his legislation, and even directly appeal to EPA employees to reinvigorate the zealotry that led them to the EPA.

While daunting, combatting climate change has become a significantly more mainstream issue in American politics, with states with energy-centered economies<sup>3</sup> and private investors<sup>4</sup> alike repenting their former love of fossil fuels. I believe that the factors are in place such that if Biden takes the actions detailed above, he will be able to get significant climate change policy enacted into law.

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<sup>3</sup> <https://www.pghcitypaper.com/pittsburgh/new-poll-shows-majority-of-pennsylvanians-oppose-fracking/Content?oid=17800496>

<sup>4</sup> <https://www.theguardian.com/environment/2020/nov/23/investors-plan-major-move-into-renewable-energy-infrastructure>

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17.20 Introduction to the American Political Process  
Fall 2020

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